

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN HALLE,)	
)	
Plaintiff,)	Civil Action No. 13-1449
)	
v.)	Judge Cathy Bissoon
)	
WEST PENN ALLEGHENY HEALTH)	
SYSTEM INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

For the same reasons as stated in the Memorandum and Order entered in Belle v. UPMC, Civil Action No. 13-1448 (W.D. Pa. Sept. 29, 2014) (Bissoon, J.), said decision being incorporated by reference herein, Defendants’ Motion to Dismiss (**Doc. 45**) based on issue preclusion is **GRANTED**.¹ Plaintiff’s collective action allegations are dismissed with prejudice, and the claims of the opt-ins are denied without prejudice to the refiling of individual actions.

Defendants’ Motion for Sanctions (**Doc. 50**) is **DENIED**. Although the outcomes in *Belle* and *Halle*, with respect to the collective action claims, appear both necessary to the orderly functioning of our judicial system and predictable, the Court finds that Plaintiff’s litigation strategies, while unquestionably aggressive and zealous, do not quite cross the line into sanctionable.

Defendants’ Motion to Dismiss, as granted, limits itself to Plaintiff’s collective action claims. *Compare* Defs.’ Br. (Doc. 46) at 1, 16 (requesting dismissal of “the collective action

¹ Although the percentage of “overlap” between individuals participating in *Kuznyetsov* and *Halle* (80.95%) is somewhat lower than in *Camesi/Belle* (95.32%), this distinction does not modify the Court’s analyses and conclusions.

claim”) *with* Am. Compl. (Doc. 43) at ¶ 1 (purporting to seek relief “individually” as well).

Consistent with Federal Rule 12(a)(4)(A), Defendants’ Answer regarding Plaintiff’s individual claim(s) is due by **November 20, 2014**.

By separate order, the Court will set initial status/scheduling conferences in both *Halle* and *Belle* to discuss where these cases will go from here.

IT IS SO ORDERED.

November 6, 2014

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record